

Federal Election Commission

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(c) If a civil action is commenced, the Commission shall make the enforcement file available pursuant to 11 CFR 111.20(c).

§ 111.43 What are the schedules of penalties?

(a) The civil money penalty for all reports that are filed late or not filed, except election sensitive reports and pre-election reports under 11 CFR 104.5, shall be calculated in accordance with the following schedule of penalties:

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1–4,999.99 ^a	$[\$25 + (\$5 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$250 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$5,000–9,999.99	$[\$55 + (\$5 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$330 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$10,000–24,999.99	$[\$110 + (\$5 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$550 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$25,000–49,999.99	$[\$200 + (\$20 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$990 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$50,000–74,999.99	$[\$330 + (\$82.50 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$2,970 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$75,000–99,999.99	$[\$440 + (\$110 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$3,850 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$100,000–149,999.99	$[\$660 + (\$125 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$4,950 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$150,000–199,999.99	$[\$880 + (\$150 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$6,050 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$200,000–249,999.99	$[\$1,100 + (\$175 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$7,150 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$250,000–349,999.99	$[\$1,500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$8,800 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$350,000–449,999.99	$[\$2,000 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$9,900 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$450,000–549,999.99	$[\$2,500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$10,450 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$550,000–649,999.99	$[\$3,300 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$11,000 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$650,000–749,999.99	$[\$3,850 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$10,500 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$750,000–849,999.99	$[\$4,400 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$11,000 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$850,000–949,999.99	$[\$4,950 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$11,500 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$950,000 or over	$[\$5,500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$12,000 \times [1 + (.25 \times \text{Number of previous violations})]$.

^aThe civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(b) The civil money penalty for election sensitive reports that are filed late or not filed shall be calculated in

accordance with the following schedule of penalties:

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1–4,999.99 ^a	$[\$55 + (\$10 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$550 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$5,000–9,999.99	$[\$110 + (\$10 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$660 \times [1 + (.25 \times \text{Number of previous violations})]$.

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$10,000–24,999.99	$[\$150 + (\$10 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$990 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$25,000–49,999.99	$[\$330 + (\$25 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$1,400 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$50,000–74,999.99	$[\$495 + (\$82.50 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$3,300 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$75,000–99,999.99	$[\$660 + (\$110 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$4,400 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$100,000–149,999.99	$[\$990 + (\$125 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$5,500 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$150,000–199,999.99	$[\$1,200 + (\$150 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$6,600 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$200,000–249,999.99	$[\$1,500 + (\$175 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$8,250 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$250,000–349,999.99	$[\$2,250 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$9,900 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$350,000–449,999.99	$[\$3,300 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$11,000 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$450,000–549,999.99	$[\$4,125 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$11,000 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$550,000–649,999.99	$[\$4,950 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$12,000 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$650,000–749,999.99	$[\$5,775 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$13,000 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$750,000–849,999.99	$[\$6,600 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$15,400 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$850,000–949,999.99	$[\$7,425 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$16,500 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$950,000 or over	$[\$8,250 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$17,600 \times [1 + (.25 \times \text{Number of previous violations})]$.

^a The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(c) If the respondent fails to file a required report and the Commission cannot calculate the level of activity under paragraph (d) of this section, then the civil money penalty shall be \$6,050.

(d) *Definitions.* For this section only, the following definitions will apply:

(1) *Election Sensitive Reports* means third quarter reports due on October 15th before the general election (for all committees required to file this report except committees of candidates who do not participate in that general election); monthly reports due October 20th before the general election (for all committees required to file this report except committees of candidates who do not participate in that general election); and pre-election reports for pri-

mary, general, and special elections under 11 CFR 104.5.

(2) *Estimated level of activity* means:

(i) For an authorized committee, total receipts and disbursements reported in the current two-year election cycle divided by the number of reports filed to date covering the activity in the current two-year election cycle. If the respondent has not filed a report covering activity in the current two-year election cycle, estimated level of activity for an authorized committee means total receipts and disbursements reported in the prior two-year election cycle divided by the number of reports filed covering the activity in the prior two-year election cycle.

(ii)(A) For an unauthorized committee, estimated level of activity is calculated as follows: [(Total receipts

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and disbursements reported in the current two-year cycle)—(Transfers received from non-Federal account(s) as reported on Line 18(a) of FEC Form 3X Disbursements for the non-Federal share of operating expenditures attributable to allocated Federal/non-Federal activity as reported on Line 21(a)(ii) of FEC Form 3X)] ÷ Number of reports filed to date covering the activity in the current two-year election cycle.

(B) If the unauthorized committee has not filed a report covering activity in the current two-year election cycle, the estimated level of activity is calculated as follows: [(Total receipts and disbursements reported in the prior two-year election cycle)—(Transfers received from non-Federal account(s) as reported on Line 18(a) of FEC Form 3X Disbursements for the non-Federal share of operating expenditures attributable to allocated Federal/non-Federal activity as reported on Line 21(a)(ii) of FEC Form 3X)] ÷ Number of reports filed covering the activity in the prior two-year election cycle.

(3) *Level of activity* means:

(i) For an authorized committee, the total amount of receipts and disbursements for the period covered by the late report. If the report is not filed, the level of activity is the estimated level of activity as set forth in paragraph (d)(2)(i) of this section.

(ii) For an unauthorized committee, the total amount of receipts and disbursements for the period covered by the late report minus the total of: Transfers received from non-Federal account(s) as reported on Line 18(a) of FEC Form 3X and disbursements for the non-Federal share of operating expenditures attributable to allocated Federal/non-Federal activity as reported on Line 21(a)(ii) of FEC Form 3X for the period covered by the late report. If the report is not filed, the level of activity is the estimated level of activity as set forth in paragraph (d)(2)(ii) of this section.

(4) *Number of previous violations* means all prior final civil money penalties assessed under this subpart during the current two-year election cycle and the prior two-year election cycle.

(e) For purposes of the schedules of penalties in paragraphs (a) and (b) of this section,

(1) Reports that are not election sensitive reports are considered to be filed late if they are filed after their due dates but within thirty (30) days of their due dates. These reports are considered to be not filed if they are filed after thirty (30) days of their due dates or not filed at all.

(2) Election sensitive reports are considered to be filed late if they are filed after their due dates but prior to four (4) days before the primary election for pre-primary reports, prior to four (4) days before the special election for pre-special election reports, or prior to four (4) days before the general election for all other election sensitive reports. These reports are considered to be not filed if they are not filed prior to four (4) days before the primary election for pre-primary reports, prior to four (4) days before the special election for pre-special election reports or prior to four (4) days before the general election for all other election sensitive reports.

[65 FR 31794, May 19, 2000, as amended at 68 FR 12577, Mar. 17, 2003; 70 FR 34636, June 15, 2005; 74 FR 31348, July 1, 2009; 74 FR 37161, July 28, 2009]

§ 111.44 What is the schedule of penalties for 48-hour notices that are not filed or are filed late?

(a) If the respondent fails to file timely a notice regarding contribution(s) received after the 20th day but more than 48 hours before the election as required under 2 U.S.C. 434(a)(6), the civil money penalty will be calculated as follows:

(1) Civil money penalty = \$110 + (.10 × amount of the contribution(s) not timely reported).

(2) The civil money penalty calculated in paragraph (a)(1) of this section shall be increased by twenty-five percent (25%) for each prior violation.

(b) For purposes of this section, prior violation means a final civil money penalty that has been assessed against the respondent under this subpart in